

CHAPTER IX.

PENAL REGULATIONS

Section 900 - Regulations Relating to and
Providing for Good Order

Section 900:32 Noise Control Ordinance

AN ORDINANCE RELATING TO NOISE, PROVIDING FOR THE ELIMINATION AND PREVENTION OF PROHIBITED NOISE, AND IMPOSING PENALTIES FOR VIOLATION.

The City Council of Lanesboro Ordains:

Section 1. Noises Prohibited

Subdivision 1. General prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment or property or affects their property's value, within the limits of the City. This general prohibition is not limited by the specific restrictions of the following subdivisions.

Subd. 2 Horns, audible signaling devices, etc. No person shall sound any audible signaling device on any vehicle except as a warning of danger, as required by Minn. Stat. 169.68.

Subd. 3. Exhaust. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.

Subd. 4. Noise and Defective vehicles or loads. No person shall use any vehicle, automobile, motorcycle, recreational vehicle, ATV vehicle, snowmobile, semi-tractor trailer so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise. The use of excess noise shall be prohibited within the City limits of Lanesboro.

Subd. 5. Pile Drivers, hammers, etc. No person shall operate between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or

electric hoist or other appliance, the use of which is attended by loud or unusual noise.

Subd. 6. Loading, unloading, unpacking. No person shall create loud or excessive noise in loading, unloading, or unpacking any vehicle.

Subd. 7. Radios, phonographs, paging systems, etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for the production or reproduction of sound in a distinct and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine, or other device between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

A.1 Radios, Music or Noise from Vehicles. The using, operating, or permitting to be played, used or operated any radio or other device producing or reproducing sound from a motor vehicle in such a manner or at a volume level which is plainly audible, or which the bass sound can be felt or heard at a distance of 50 feet from the vehicle.

Subd. 8. Participation in noisy parties or gatherings. No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

Subd. 9. Loudspeakers, amplifiers for advertising, etc. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the

attention of the public to any commercial establishment or vehicle unless permitted, per Section 4 Subd.3.

Subd.10. Animals. No person shall keep any animal that unreasonably disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise. For purposes of this section, "disturbs the comfort or propose of persons in the vicinity by its frequent or continued noise" means any one of the following:

The animal noise can be heard from a location outside the building and premises where the animal is being kept, and the animal has made such noises intermittently for more than three (3) minutes with one minute or less lapse of time between each animal noise during the three minute period; or

- A. The animal noise can be heard from a distance up to one (1) block from the location the building and premises where the animal is being kept, and the animal has made such noises intermittently for more than three (3) minutes with one minute or less lapse of time between each animal noise during the three minute period, or
- B. The animal noise can be heard from a location outside the building and premises where the animal is being kept, and the animal has made such noises intermittently for a period of at least five (5) minutes with one minute or less lapse of time between each animal noise during the five minute period.

Subd. 11. Schools, churches, etc. No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, or church when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

Section 2. Hourly Restriction on Certain Operations.

Subdivision 1. Recreational vehicles. No person shall, between the hours of 10:00 p.m. and 7:00 a.m., drive or operate any minibike, snowmobile, or other recreational vehicle not licensed for travel on public highways.

Subd.2. Domestic power equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. Snow removal equipment is exempt from this provision.

Subd. 3. Refuse hauling. No person shall collect or remove garbage or refuse in any residential district except between the hours of 7:00 a.m. and 10:00 p.m.

Subd. 4. Construction activities No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m.

Section 3. Fairs, festivals or other exhibitions. This section shall not be construed to prohibit or limit the normal activities incidental to any fairs, festivals, or other exhibitions or shows conducted by the permission of the Council, even though such activities exceed limits and other noise limits set forth in this Section.

Section 4. Enforcement. Subdivision 1. Enforcement duties. The police department shall enforce the provisions of this ordinance.

Subd. 2. Civil remedies. This ordinance may be enforced by injunction, action for abatement, or other appropriate civil remedy.

Subd. 3. Noise impact statements. The council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation or alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the council. It shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

Subd. 4. Criminal penalties. Any violation of this ordinance involving the operation of a motor vehicle is a petty misdemeanor and, upon conviction, the violator shall be punished by a fine not to exceed \$100.00. Every person who violates any other provision of this ordinance is guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$700.00 or imprisonment for a term not to exceed 90 days, or both. In all cases the city shall be entitled to collect the costs of prosecution to the extent outlined by law, Rules of Criminal Procedure, and the Rules of Court. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

Subd 5. Exception Official governmental or governmental agency warning devices, operated by duly authorized individuals or agencies, such as fire and ambulance warning devices, are not prohibited by this ordinance.

Section 6. Effective Date. This ordinance becomes effective _____, 2000.

CITY OF LANESBORO

By: _____
Mayor

Clerk